

Affidavit in Support of Complaint

AFFIDAVIT

STATE OF WASHINGTON)
) ss
County of Spokane)

Marcus Munn, being first duly sworn on oath, deposes and states:

Your Affiant is a Special Agent with the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, assigned to the Resident Agent, Oroville, WA under the direction of the Resident Agent in Charge, Spokane, WA. Your Affiant has been so employed since January of 2003 assigned to the Office of Investigations where your Affiant's duties include, among other things, investigating violations of federal law relating to immigration, smuggling, possession and distribution of controlled substances, and the importation/exportation prohibited merchandise.

In January of 2003, your Affiant attended the United States Customs Service's Criminal Investigation Training Program. The training program lasted nine weeks and provided intensified training relating to the criminal laws enforced by the United States Customs Service. In March of 2003, your Affiant attended another nine-week training course with the United States Customs Service. That

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training course, the Customs Basic Enforcement School, provided additional training relating to smuggling and cross-border crimes involving contraband including child pornography.

Prior to your Affiant's current employment as a Special Agent, your Affiant received a Bachelor of Arts degree in Crime and Justice Studies from the University of Idaho. Your Affiant also served as Student Trainee Criminal Investigator for the U.S. Customs Service Office of Investigations for four months in 2002.

The information contained in this affidavit is obtained personally by your Affiant and by other law enforcement officers.

Because this affidavit is being submitted for the limited purpose of establishing probable cause, your Affiant has not included each and every fact known to your Affiant concerning this investigation. Your Affiant has set forth only the facts that your Affiant believes are necessary to establish probable cause.

Your Affiant believes probable cause exists that Scotty Dean BROWN did knowingly and willfully produce images of child pornography in violation of 18 USC 2251(a). Your Affiant believes this to be true based on the following

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On April 24, 2006 your Affiant was contacted by the Okanogan County Sheriff's Office requesting assistance with an on-going child abuse investigation regarding BROWN. Your Affiant was advised by Okanogan County Sheriff's Detective Debbie Behymer (Detective Behymer) that on January 26, 2006 the Okanogan County Sheriff's Office served a search warrant on BROWN's residence located at 62B North Kirkpatrick Road in Omak, WA. During that search warrant deputies seized, among other things a desktop computer, computer disks and various computer parts from BROWN's bedroom. Detective Behymer requested the assistance of special agents with Immigration and Customs Enforcement in conducting a forensic examination on the computer, computer disks and other computer parts seized during the execution of the January 26, 2006 search warrant.

On April 25, 2006 your Affiant met with Detective Behymer at the Okanogan County Sheriff's Office evidence room and took custody of all the items seized from BROWN's residence. On January 27, 2006 your Affiant transferred those items to ICE Special Agent / Computer Forensic Examiner Matt Swenson (SA Swenson) in Seattle, WA.

On May 1, 2006 your Affiant received a telephone call from SA Swenson regarding evidence found during the initial examination of that computer. SA

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Swenson told your Affiant that he had found two (2) video clips and between three hundred (300) and four hundred (400) images containing what appeared to be child pornography. Those images and video clips contained visual depictions of minors engaging in sexually explicit conduct including oral sexual intercourse and the lascivious exhibition of the genitals of said minor(s). Many of those images contained what appeared to be a known female, under the age of twelve, here after referred to as "Victim A".

On that same date, based on the above information, your Affiant went to BROWN's residence located at 62B North Kirkpatrick Road in Omak, WA. At that time, your Affiant placed BROWN under arrest and transported him to the Okanogan County Sheriff's Office.

On the evening of May 1, 2006 at approximately 5:20 p.m., your Affiant and Detective Behymer conducted an interview with BROWN. Prior to asking any questions, your Affiant read BROWN his Miranda rights and asked if he was willing to answer questions regarding the evidence found on his computer. BROWN advised that he understood his rights and agreed to answer questions. During that interview, BROWN stated that beginning in 2003, he and "Victim A" engaged in sexual conduct, which he recorded in photos and videos. BROWN

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further stated that those photos and videos were stored on his computer and transmitted via the internet to other individuals using a webcam and other digital formats. BROWN advised that he has recorded photos and videos of other alleged victims in addition to "Victim A". BROWN admitted to your Affiant and Detective Behymer that there were more than four other victims which BROWN has photographed in the same manner as "Victim A". BROWN told your Affiant and Detective Behymer that videos and/or photos of child pornography produced by BROWN were taken with BROWN's digital camera, a "webcam" connected to his personal computer and a "spy camera" installed in a clock radio.

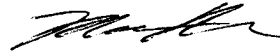
Brown is currently living at his parents residence and is employed managing apartment buildings.

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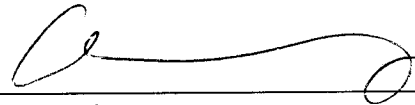
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Based upon the foregoing, your Affiant believes that probable cause exists for the arrest of Scotty Dean BROWN for the violations set forth above.



Marcus Munn, Special Agent
ICE

SUBSCRIBED AND SWORN to before me this 2nd day of May, 2006.



Cynthia Imbrogno
United States Magistrate Judge

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